

MAR 02 2006

BRUCE TITTEL  
DONALD F. FREI  
DAVID S. STALLARD  
J. ROBERT CHAMBERS  
GREGORY J. LUNN  
KURT L. GROSSMAN  
CLEMENT H. LUKEN, JR.  
THOMAS J. BURGER  
GREGORY F. AHRENS  
WAYNE L. JACOBS  
KURT A. SUMME  
KEVIN G. ROONEY  
KEITH R. HAUPT  
THEODORE R. REMAKLUS  
THOMAS W. HUMPHREY  
SCOTT A. STINEBRUNER  
DAVID H. BRINKMAN  
BEVERLY A. LYMAN, Ph.D.  
KRISTI L. DAVIDSON  
KATHRYN E. SMITH  
P. ANDREW BLATT, Ph.D.  
DAVID E. JEFFERIES

## WOOD, HERRON &amp; EVANS, L.L.P.

2700 Carew Tower  
441 Vine Street  
Cincinnati, Ohio 45202-2917  
TELEPHONE: (513) 241-2324  
FACSIMILE (513) 241-6234  
WEBSITE: www.whopatent.com

PATENT, TRADEMARK, COPYRIGHT  
AND UNFAIR COMPETITION LAW  
AND RELATED LITIGATION

EDMUND P. WOOD 1923-1968  
TRUMAN A. HERRON 1935-1976  
EDWARD B. EVANS 1936-1971

## FACSIMILE COVER SHEET

JOSEPH R. JORDAN  
C. RICHARD EBY

WILLIAM R. ALLEN, Ph.D.  
JOHN PAUL DAVIS  
DOUGLAS A. SCHOLER  
BRETT A. SCHATZ  
DAVID W. DORTON  
SARAH OTTE GRABER  
STEVEN W. BENINTENDI, Ph.D.  
RANDALL S. JACKSON, JR.  
CARL J. BRAUCH

OF COUNSEL

JOHN D. POFFENBERGER  
DAVID J. JOSEPHIC  
DONALD F. FREI  
THOMAS W. FLYNN  
J. DWIGHT POFFENBERGER, JR.  
BRADLEY D. BECK

If transmission is interrupted or of poor quality, please  
notify us immediately by calling 513/241-2324.  
Ask for sender's assistant.

TO: Commissioner for PatentsFax No: 571-273-8300Pages (including cover page): 3Date: March 2, 2006FROM: Keith R. Haupt, Esq.  
Reg. No. 37,638Re: This fax includes: Amendment Transmittal; Amendment; Authorization to  
Charge Deposit Account 23-3000

Serial No.: 10/680,364  
Filed: October 7, 2003  
Group Art Unit: 3653  
Applicant: Charles A. Miller

Examiner: Rakesh Kumar  
Title: CARTON WITH DISPENSER  
Conf. No.: 4643  
Our Ref.: RWZ-78U

## CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the  
Commissioner for Patents, Art Unit 3653 at facsimile telephone  
number (571) 273-8300 on March 2, 2006.

Risa L. Tucker  
Risa L. Tucker

3/2/06  
Date

The information in this facsimile message is  
**ATTORNEY-CLIENT PRIVILEGED, WORK PRODUCT and/or CONFIDENTIAL**  
**INFORMATION** intended only for the use of the individual or entity to whom this fax is addressed.  
If the reader of this message is not the intended recipient or the employee or agent responsible for delivering  
it to the intended recipient, you are hereby notified that any dissemination, distribution or reproduction of this  
communication is strictly prohibited. If you have received this communication in error, please immediately  
notify us by telephone and return the original message to us at the above address via United States Postal  
Service. Thank you.

MAR 02 2006

**CERTIFICATE OF FACSIMILE TRANSMISSION**

I hereby certify that this paper is being facsimile transmitted to the Commissioner for Patents, Examining Group 3654 at facsimile telephone number (571) 273-8300 on March 2, 2006.

Lisa L. Tucker 3/2/06  
Lisa L. Tucker Date

Serial No.: 10/680,364  
Filed: October 7, 2003  
Group Art Unit: 3653  
Examiner: Rakesh Kumar  
Applicant: Charles A. Miller  
Title: CARTON WITH DISPENSER  
Conf. No.: 4643

Cincinnati, Ohio 45202

March 2, 2006

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**Response to Restriction Requirement**

This is responsive to the Office Action dated February 7, 2006 which included a restriction requirement between the species of Figs. 1-5, Figs. 6-8 and Figs. 9-10. Applicant hereby elects the species of Figs. 1-5 without traverse for prosecution in this application. Moreover, claims 1-78 now pending in this application each read on the elected embodiment of Figs. 1-5.


Appl. No. 10/680,364  
Amdt. dated March 2, 2006  
Page 2 of 2

The Examiner may telephone the undersigned attorney for prompt resolution of any questions regarding this election, designation of claims or any matter in this case.

Respectfully submitted,

WOOD, HERRON & EVANS, L.L.P.

BY

  
Keith R. Haupt  
Reg. No. 37,638

2700 Carew Tower  
Cincinnati, OH 45202  
(513) 241-2324  
(513) 241-6234 (Facsimile)  
[khaupt@whepatent.com](mailto:khaupt@whepatent.com)  
K:\RWZ\78U\response to restriction req2.wpd